IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

LA.App..No. 432 of 2003(C)

LAR.89/1992 of ADDL.SUB COURT, PALAKKAD
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APPELLANT: CLAIMANT:

KADEEJA, S/O. LATE MOHAMMED SAHIB,
KADAMKODE, PALAKKAD.

BY ADV. SRI.O.RAMACHANDRAN NAMBIAR
SMT.K.P.SANTHI

RESPONDENTS: RESPONDENTS:
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1. THE SPECIAL TAHSILDAR,
L.A. (G) NO.1, PALAKKAD.

2. THE EXECUTIVE DIRECTOR BY POWER OF
ATTORNEY ABRAHAM VARGHESE, DEPUTY GENERAL MANAGER,
INDIAN TELEPHONE INDUSTRIES LIMITED,KANJIKODE WEST
PALAKKAD.

R1 BY GOVERNMENT PLEADER SRI K.V.MANOJ
R2 BY ADV. SRI.GEORGE VARGHESE

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.432 of 2003-C

Dated: September 26, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is filed against the judgment and decree in LAR No.89/1992 on the file of the Sub Court, Palakkad. The acquisition is for the purpose of Indian Telephone Industries, Kanjikode. In view of the judgment in LAA No.608 of 2000 and other connected cases, apparently the appellant is entitled for enhancement; but to what extent is the disputed question of fact since the same depends on the categorisation of the property. For that, we are of the view that the matter should go back to the Reference Court where the dispute in that regard can be settled.

2. Accordingly, we set aside the judgment and decree in LAR 89/1992 and remit the matter to the Sub Court, Palakkad. The Reference Court will dispose of the same within three months from today. The parties are free to adduce fresh evidence. They will appear before the Reference Court on 29.10.2007.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE.

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. No.432 of 2003

JUDGMENT

26.9.2007